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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/072,376   | 02/06/2002  | Chris J. Wendel      | 077077-9140-00      | 2563             |
| 23409  | 7590        | 11/09/2005           | EXAMINER            |                  |
| MICHAEL BEST & FRIEDRICH, LLP<br>100 E WISCONSIN AVENUE<br>MILWAUKEE, WI 53202 |             |                      | SAFAIPOUR, HOUSHANG |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 2627                |                  |

DATE MAILED: 11/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/072,376

Applicant(s)

WENDEL, CHRIS J.

Examiner

Houshang Safaipoor

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 12-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 12-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 26, 2005 has been entered.

### *Response to Arguments*

Applicant's amendment filed on September 26, 2005 has been entered and made of record.

1- Applicant argues that Nagashima reference "only makes sense when light is transmitted through the substrate, and not reflected from it". Examiner disagrees. Please refer to col. 6, lines 43-54 of Nagashima's reference. Nagashima discloses that the "components of the image reading apparatus of the invention (and, if necessary, the processor of the light sensitive material) may be integrated as a unitary assembly" and "may be loaded into the body of an image reading apparatus that is designed for recording the images of reflection type originals and the like" (col. 6, lines 43-54).

2-Applicant argues that "Seymour only makes sense when each reflector has its own associated light source". Examiner disagrees. Seymour discloses that "it is further contemplated, that the illumination could be provided by a single strobe light, or by a plurality of strobe lights" (col. 7, lines 1-3). It is examiner's opinion that Seymour contemplates the use of single

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light source with the same set up (number of reflectors) as that for plurality of light sources. For the reasons stated examiner maintains the original rejection.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 and 12-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seymour et al. (U.S. Patent No. 5,724,259) and further in view of Nagashima (U.S. Patent No. 5,646,716).

Regarding claim 1, Seymour et al. discloses a camera assembly for use in scanning a paper substrate of a printing press, said assembly comprising:

a housing (fig. 2);

camera mounted within said housing (fig. 2, col. 4, lines 14-19);

a light source mounted within said housing (Fig. 2, light source 38); and

Although Seymour et al. discloses the use of two different light sources, he also discloses that illumination could be provided by a single light source (col. 7, lines, 1-3), however, he is silent on the number of reflectors when only one light source is used. Nagashima discloses an image recording apparatus with two mirrors (18a and 18b) positioned symmetrically with respect to a plane that is perpendicular to the paper substrate to direct light in two distinct paths from the

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same said light source (16) to the paper substrate (fig. 1, col. 6, lines 55 through col. 7, line 7). Therefore it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to use the illumination system of Nagashima in printing system of Seymour to produce sufficient quantity of light intensity for efficient utilization (col. 4, lines 5-12).

Regarding claim 2, Seymour et al. discloses the camera assembly of claim 1 wherein said camera is a CCD type Camera (col. 5, lines 25-39). Nagashima's apparatus includes a lens (12) and shows that the plane perpendicular to the paper substrate passes through the lens and the light source (fig. 1). Therefore it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to use the illumination system of Nagashima in printing system of Seymour to produce sufficient quantity of light intensity for efficient utilization (col. 4, lines 5-12).

Regarding claim 3, Seymour et al. discloses the camera assembly of claim 1 wherein said light source is a strobe type light source (col. 6, lines 21-27). Nagashima's apparatus shows that an axis of the light source is parallel to an axis of the lens (fig. 1). Therefore it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to use the illumination system of Nagashima in printing system of Seymour to produce sufficient quantity of light intensity for efficient utilization (col. 4, lines 5-12).

Regarding claim 4, neither Seymour no Nagashima introduce flat reflectors (mirrors). However applicant has not disclosed that flat mirrors would provide an advantage, is used for a particular purpose or solves a stated problem. On the contrary, applicant, starting at bottom page 10 of the specification through line 5 of page 12, suggests that the "mirrors could have other configurations other than flat such as, for example, concave mirrors". One of ordinary skill in

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the art, furthermore, would have expected Applicant's invention to perform equally well with concave reflectors taught by Nagashima.

Regarding claim 5, Seymour et al. discloses the camera assembly of claim 1 where the mirrors are positioned on each side of the light source (fig. 3a). Also fig. 1 of Nagashima.

Regarding claim 12, arguments analogous to those presented for claims 1 and 3 are applicable to claim 12.

Regarding claim 13, arguments analogous to those presented for claim 1 are applicable to claim 13.

Regarding claim 14, arguments analogous to those presented for claim 3 are applicable to claim 14.

Regarding claim 15, arguments analogous to those presented for claim 4 are applicable to claim 15.

Regarding claim 16, Seymour et al. discloses the method of claim 13 wherein each light path has an illumination intensity that is substantially the same (fig. 3a).

Regarding claims 17, 19 and 23 arguments analogous to those presented for claim 1 are applicable to claims 17, 19 and 23.

Regarding claim 18, arguments analogous to those presented for claim 3 are applicable to claim 18.

Regarding claim 21, Seymour et al. does not disclose Xenon strobe bulb. However, Nagashima discloses this type of bulb (col. 6, lines 55-62).

Regarding claims 20 and 22, arguments analogous to those presented for claim 4 are applicable to claims 20 and 22.

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Claims 1, 13 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagashima (U.S. Patent No. 5,646,716) and further in view of Beier et al. (U.S. Patent No. 6,661,446).

Regarding claims 1, 13 and 17 Nagashima discloses an image recording apparatus wherein the components of the image recording comprising a light source 16, a reflector 18, a multi-focal lens 20 and the processor of the light sensitive material may be integrated as a unitary assembly which may be loaded into the body of an image recording apparatus that is designed for recording the images of reflection type originals (col. 6, lines 17-54). Beier discloses a device used for direct imaging printing press (col. 9, lines 1-5). Therefore it would have been obvious to a person of an ordinary skill in the art to load the image recording assembly of Nagashima into the device of Beier for a more compact direct imaging printing press.

### ***Contact Information***

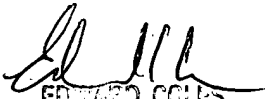
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Houshang Safaipoor whose telephone number is (571)272-7412. The examiner can normally be reached on Mon.-Thurs. from 6:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles, Sr. can be reached on (571)272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Houshang Safaipoor  
Patent Examiner  
Art Unit 2627  
November 4, 2005

  
EDWARD COLLINS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 110